

REMARKS

Claims 1-4, 6-9 and 11-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sen et al. (U.S. Patent Number 6,556,556) in view of McDermott (EP 1175034) and further in view of Szabo (U.S. Patent Application Publication Number 2002/0003779). The applicants respectfully disagree with these rejections and request reconsideration.

Claims 1 and 12 recite determining a lower-layer packet size based on the error rate, wherein determining the lower-layer packet size comprises **determining an optimal number** of higher-layer packets that can be multiplexed onto a single lower-layer packet. In addition, claim 7 recites determining a PPP packet size based on the error rate, wherein determining the PPP packet size comprises **determining an optimal number** of UDP/IP packets that can be multiplexed onto a single PPP packet.

The Examiner indicates on page 4 of the present office action that "Sen et al. in view of McDermott do not disclose wherein the step of determining the lower-layer packet size comprises the step of determining an optimal number of higher-layer packets that can be multiplexed onto a single lower-layer packet." Instead, the Examiner cites Szabo page 1, column 1, lines 49-51. Szabo [0004-0006] reads:

[0004] When receiving packets from several subscribers, the IP telephony gateway may multiplex packets from multiple sources if the received packets are destined to the same remote Access Network. The packets are thus multiplexed into a single RTP/UDP(User Datagram Protocol)/IP (Internet Protocol) packet.

[0005] Furthermore, there exists other ways of multiplexing Internet Protocol telephony calls. For example, a method is described in B. Thompson et al. "Tunnelling Multiplexed Compressed RTP", Internet Draft, March 2000, Work in Progress, wherein a multitude of RTP/UDP/IP packets are compressed and multiplexed into a so-called PPP packet before being transmitted over an IP core network.

[0006] When a call establishment message is received by an IP telephony gateway, it is important to ensure that a high quality transmission path is available over the IP core network to a remote IP telephony gateway which is connected to a remote Access Network to which the call is destined.

However, the applicants fail to see how Szabo teaches or suggests **determining an**

optimal number of higher-layer / UDP/IP packets that can be multiplexed onto a single lower-layer / PPP packet as part of determining a lower-layer / PPP packet size based on the error rate. Moreover, the applicants do not see where Szabo even suggests such an optimization as part of determining a lower-layer / PPP packet size based on the error rate. In contrast, the independent claims recite determining an optimal number of higher-layer packets that can be multiplexed onto a single lower-layer packet as part of determining a lower-layer packet size based on an error rate. Therefore, part of determining the lower-layer packet size is determining an **optimal number** of the higher-layer packets to be transmitted.

Thus, since neither Szabo, Sen nor McDermott, either independently or in combination, teach all of the limitations of base claims 1, 7 and 12, or therefore, all the limitations of their dependent claims, the applicants assert that the Examiner has not shown anticipation nor made a prima facie case for obviousness. No remaining grounds for rejection or objection being given, the applicant now respectfully submits that the claims in their present form are patentable over the prior art of record, and are in condition for allowance. As a result, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 – Motorola, Inc.

Respectfully submitted,
R. Pazhyannur et al.

By: _____

Jeffrey K. Jacobs
Attorney for Applicant(s)
Registration No. 44,798
Phone No.: 847/576-5562
Fax No.: 847/576-3750